

FISCAL MEMORANDUM
SB 1734 – HB 2143

April 11, 2008

SUMMARY OF AMENDMENT (016680): Deletes all language after the enacting clause. Increases the penalty for cock fighting from a Class A misdemeanor to a Class E felony. Increases the penalty for being a spectator at an animal fight from a Class C to a Class A misdemeanor.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$145,000/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$151,300/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions applied to amendment:

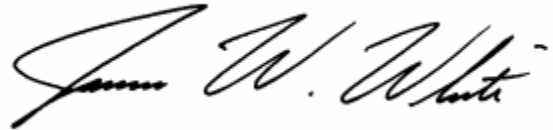
- According to the Administrative Office of the Courts, in FY06 there were two misdemeanor convictions for cock fighting in state trial courts. The Department of Correction (DOC) estimates 20 Class E felony convictions in all courts under this bill. According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78.
- Twenty persons will be convicted of a Class E felony offense for cock fighting in the first year. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in two additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 22 offenders serving 0.3 years.

- Twenty-two offenders will serve 0.3 years (109.58 days). The cost per inmate is \$6,879.43 (\$62.78 x 109.58 days). The total operating cost for 22 offenders is \$151,347.46 (\$6,879.43 x 22).
- There will not be a sufficient number of prosecutions for local governments to experience any significant increase in revenue or expenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc